

Paul Appleton
HM Deputy Chief Inspector of Railways



Kamini Edgley
Director of Engineering and Asset Management
(NW&C Region)
Network Rail Infrastructure Limited
The Quadrant:MK
Elder Gate
Milton Keynes
MK9 1EN

13 August 2020

Dear Ms Edgley,

RAILWAY SAFETY REGULATIONS 1999 - EXEMPTION FROM REGULATION 3

**Network Rail Infrastructure Limited (Company Registration Number: 02904587)
(Network Rail)**

**The Chiltern Railway Company Limited (Company Registration Number:
03007939) (Chiltern Railways)**

**Running of The Chiltern Railway Company Limited (“Chiltern Railways”) trains
(Class 165/0, Class 168/0/1/2 and Class 172/1) on the railway infrastructure
known as ‘the Chiltern Route’ between Marylebone Station and Aynho Junction**

I refer to the application received on 12 June 2020 to request an exemption from regulation 3 of the Railway Safety Regulations 1999.

We have reviewed the evidence submitted in support of your application and are satisfied that there is sufficient information contained within the documentation provided to justify an exemption.

We noted the approach taken by the parties in assessing the risk for the two periods that the exemption is required for. During the first period, the ATP system remains in use and the exemption would only relate to rolling stock on which the ATP had irreparably failed. The risk assessment considered the two reasonably practicable alternative approaches in the event of ATP failure; either continuing to operate the “failed” trains or withdrawing them from service. The former was determined to be the lowest risk approach because the “failed” trains could still be operated with the existing “conventional” TPWS, providing protection equal to the other “non-ATP” Chiltern Railways rolling stock.

Conversely, the “knock-on risk” associated with withdrawing trains from service would cause a significant increase in risk. This could result in Chiltern Railways being unable to meet franchise commitments in relation to delivering the full timetable, short formations or cancellations due to poor availability of serviceable rolling stock which in turn could lead to crowding on stations and trains as well as potential verbal and physical assaults to frontline staff.

For the second period, when enhanced TPWS and TPWS Mk4 equipment becomes fully operational and the ATP is switched off, the assessment showed that the risk levels with enhanced TPWS and Mk4 TPWS are similar to those with ATP. Fitting more modern equipment with greater functionality, over more signals, provides significant improvements in risk control over the existing “conventional” TPWS.

The exemption is granted to Network Rail Infrastructure Limited and The Chiltern Railway Company Limited. Copies of the covering letter and exemption certificate have been issued to both organisations. They will also be uploaded to the external ORR website in due course.

Please note the conditions attached to granting the exemption. These are set out in the certificate. You will be required to demonstrate how the conditions are being met on an ongoing basis. We will follow up through the agreed means as set out in the conditions i.e. the provision of a report and a meeting every three months to discuss progress. We will also use our routine inspection activity as means of monitoring progress against milestones and conditions set.

If evidence presented within the reports or through inspection activity, indicates that progress against milestones and conditions set out within the exemption certificate are not being met, ORR will consider the appropriate enforcement activity to take. This may include revoking the exemption.

Yours sincerely,

A handwritten signature in black ink that reads 'P. Appleton'.

Paul Appleton

HM Deputy Chief Inspector of Railways